

Applicant : Frieze, et al
Appl. No. : 10/070,621
Filed : Mar. 5, 2002

Art Unit: 1744
Examiner: Krisanne Jastrzab
Page 9

REMARKS

Further to the above-identified application, applicant has reviewed the claims as
5 presented in the First Preliminary Amendment and found errors therein requiring correction.
This amendment corrects those errors and clarifies which of multiple components are being
referred to in individual claims.

Claims 1-20 were originally pending. In the Amendment of March 5, 2004, all of
10 those claims were canceled and replaced by claims 21-72. This amendment cancels claims
37-38, 43-54, 56-63, and 65-72, the subject matter of which is not disclaimed and Applicant
reserves the right to reintroduce such claims at a later time. Claim 21 is directed to a metal
sterilization container, which container has an aluminum lid, an aluminum bottom, an anodic
coating on the aluminum, and various vent holes and filters. The anodic coating is not
15 substantially greater than 0.5 mils (0.0005 inches). Claim 42, originally an independent
claim, has been made dependent upon claim 21 and is directed to a sterilization system which
utilizes the sterilization container of claim 21. Note that original claim 42 recited all of the
limitation of claim 21 so that this amendment does not narrow nor expand the scope of the
claim. Independent claim 55 is directed to a method of sterilizing instruments. The scope of
20 containers within this claim is not as limited as claim 21 containers. Independent claim 64 is
directed to a method of manufacture of an aluminum sterilization container, but the
containers are not as limited as those in claim 21. Claims Canceled claims 43-54, 56-63, and
65-72 recite limitations with respect to claims 42, 55, and 64 respectively that are recited in
one or more of claims 22-36 and 39-41. The cancellation has been one to ease prosecution,
25 but the subject matter thereof has not been abandoned. Claims 37-38 have been cancelled as
being redundant in light of the other amendments.

Independent claims 21, 42, 55, and 64 (other than making claim 42 dependent upon
claim 21) remain unchanged from the First Preliminary Amendment. Claims 22-23, 25-28,
30 and 40-41 also remain unchanged from the first Preliminary Amendment. In addition to
claim 42 discussed above, only claims 24, 29-36, and 39 have been amended.

Claim 24 has been amended to change the anodic thickness limitation from “not exceeding 0.2 mils” to “not below 0.2 mils. This is supported by the specification paragraph 0042 and originally filed claims 6 and 18, each of which recite a preferred range for the anodic coating where the lower end is 0.2 mils. Thus no new matter is introduced by this amendment.

Claim 29 is amended by insertion of the term “first” before “gasket” so as to distinguish that gasket from other gaskets mentioned in other claims. No new matter is introduced by this amendment.

Claim 30 is amended by insertion of the term “first” before “filter retainer plate” so as to distinguish that filter plate from other filter retainer plates mentioned in other claims. No new matter is introduced by this amendment.

Claims 31 is amended to correctly recite that gap is between the lid and the retention plate in the region of the vent holes. Previously claim 31 recited that the “gap was between the lid and the filter medium. As seen clearly by Figure 1C, the gap is between the filter retention plate and the lid (provided by the presence of the gaskets 46 and 48 in that figure, while the filter medium directly abuts the container. This is also supported by Figure 5E showing the retention plate having an outer periphery that provides a spacing between the lid and the retainer plate in the region of the vent holes. No new matter is introduced by this amendment.

Claim 32 is amended in a like manner to claim 31 and is supported by Figure 5F. Thus, no new matter is introduced by this amendment.

Claim 33 is amended to correct the claim to recite that the gasket is located on the retention plate and positioned so that when the retention plate is in a sealing position with the

Applicant : Frieze, et al
Appl. No. : 10/070,621
Filed : Mar. 5, 2002

Art Unit: 1744
Examiner: Krisanne Jastrzab
Page 11

lid, the gasket acts to create a seal therebetween. This is fully supported by Figures 4B and 5E. Thus, no new matter is introduced by this amendment.

Claim 34 is amended to recite that the container may contain one or more gaskets.
5 This is supported by specification paragraphs 0041 and 0057. Nonew matter is introduced by this amendment.

Claim 35 is amended to recite the complete Markush group of materials for the gasket mentioned in the specification in paragraph 0041. Thus, no new matter is inrtroduced by this
10 amendment.

Claim 36 is amended to correct the claim to recite that the gasket is located on the retention plate and positioned so that when the retention plate is in a sealing position on the container bottom, the gasket acts to create a seal therebetween. This is fully supported by
15 Figure 5F. Thus, no new matter is introduced by this amendment.

Claim 39 is amended to recite the full Markush Group of suitable materials recited in the specification paragraph 0040 for the filter mediums. Thus no new matter is introduced by this amendment.

20

New claim 73 is directed to the second retainer plate which is in the container bottom and is fully supported in specification paragraph 0013 and in Figure 5F. No new matter is introduced by this amendment.

25 New claim 74 specifies one of the explicitly disclosed materials for the filter mediums and is supported by paragraph 0057 of the specification. Thus no new matter is introduced by this amendment.

Applicant : Frieze, et al
Appl. No. : 10/070,621
Filed : Mar. 5, 2002

Art Unit: 1744
Examiner: Krisanne Jastrzab
Page 12

Applicant respectfully requests that the foregoing amendments be entered and the claims be considered in light thereof. Applicant submits that the claims are in allowable form and a Notice of Allowance is respectfully requested for all of the pending claims.

5

Respectfully submitted,



Irving M. Fishman

10

89 Headquarters Plaza
Suite 1422, North Tower
Morristown, NJ 07960
Tel: 973-285-1548
Fax: 973-993-1857

15

Date: October 7, 2004